

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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WYETH, )  
Plaintiff, )  
v. ) C.A. No.: 06-222 (JJF)  
IMPAX LABORATORIES, INC., )  
Defendant. )  
\_\_\_\_\_  
)

**STIPULATION AND ORDER REGARDING DEFINITION OF  
PERSON HAVING ORDINARY SKILL IN THE ART**

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that, for purposes of trial in this action:

A "person having ordinary skill in the art" is a person with (1) at least a bachelors degree in pharmacy or some closely related discipline, or a Pharm D. degree; (2) at least two years of work experience in the formulation, design, or evaluation of pharmaceutical dosage forms, including extended release dosage forms; and (3) would have taken courses in biopharmaceutics, pharmacokinetics, and pharmacodynamics or would have acquired comparable knowledge through work experience. Such a person would also have a working knowledge of, or would know to consult with persons with expertise in (1) the pharmacologic profile, mechanism of action, efficacy and adverse effects of serotonin, norepinephrine, and dopamine reuptake inhibitors in the treatment of psychiatric disorders, (2) the diagnosis and treatment of patients with psychiatric disorders, and (3) biostatistics.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP MORRIS, JAMES, HITCHENS & WILLIAMS

/s/ Karen Jacobs Louden

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Dated: March 24, 2008

SO ORDERED this \_\_\_\_\_ day of March, 2008.

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United States District Court Judge